

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 RAYMOND ALFORD BRADFORD,

12 Plaintiff,

13 v.

14 VALLEY, et al.,

15 Defendants.
16

No. 2:21-CV-1414-DAD-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 51, to defer ruling on
19 Defendants' motion to revoke Plaintiff's in forma pauperis status.

20 Plaintiff states his motion is appropriate under Federal Rule of Civil Procedure
21 56(d). See ECF No. 51. The Court does not agree. Rule 56(d) allows the Court to defer
22 consideration of a motion for summary judgment under Rule 56 when facts are not available to
23 the opposing party. Because Defendants' pending motion concerns revocation of in forma
24 pauperis status and not summary judgment, Rule 56(d) is inapplicable. The Court will, however,
25 on its own motion grant Plaintiff an extension of time to file an opposition to Defendants'
26 pending motion.

27 ///

28 ///

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to defer ruling under Rule 56(d), ECF No. 51, is denied;
2. Plaintiff is granted an extension of time to file an opposition to Defendants' motion, ECF No. 48, to revoke Plaintiff's in forma pauperis status; and
3. Plaintiff's opposition is due within 30 days of the date of this order.

Dated: November 1, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE